

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 984 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

HANSABEN RAMANLAL THAKKAR

Versus

COLLECTOR BARODA

Appearance:

MR NAVIN K PAHWA for Petitioners

Mr.B.Y.Mankad, learned A.G.P. for the respondents.

CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 18/03/99

ORAL JUDGEMENT

Amendment dated 16.3.99 is allowed. Rule. Mr. Mankad, learned A..G.P. waives service of rule on behalf of respondents. The matter was taken up for final hearing as prayed by both the sides.

It is submitted on behalf of petitioners that the total area of the petitioners holding is 2483 sq.mtrs. Out of this area, 1808 sq.mtrs. of the land has been held to be excess. On behalf of petitioners it has been

further submitted that at this stage they keep the relief confined only with regard to an area of 421.92 sq.mtrs. of land bearing Final Plot No.160/P, which is not a part of the excess land. They have further submitted that they have applied for N.A. permission in respect of this area under S.65 of the Bombay Land Revenue Code. It is the common case of the parties that this application is pending.

Having heard both the sides, it is ordered that, should the petitioners give an undertaking before the concerned authority that they would raise construction and develop the Final Plot No.160/P only to the extent of 421.92 sq.mtrs of area, which is not a part of the excess land, the concerned authority may consider to grant no objection for construction and development of this part of the land and thereupon the Collector may consider the issuance of N.A. permission in respect of this land.

Special Civil Application is allowed in the terms as aforesaid and the Rule is made absolute accordingly with no order as to costs.